

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:08 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, February 7, 1983.

APPENDIX

Signed by Governor
(January 31, 1983)

S.C.R. 5

S.C.R. 9

S.C.R. 12

S.C.R. 13

(February 1, 1983)

S.B. 183 Effective immediately

H.C.R. 5

H.C.R. 19

H.C.R. 21

FOURTEENTH DAY

(Monday, February 7, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Williams.

Absent-excused: Lyon, Whitmire.

A quorum was announced present.

Ms. Margret Hofmann, Friends Meeting of Austin, offered the invocation as follows:

God,

Grant us the insight to comprehend that we are entrusted with the stewardship of this state, to use it and to improve it for the benefit of generations yet to come.

Instill in us a deep appreciation for the riches we enjoy: The freedom to assemble here and to speak our minds, yet not having to fear arrests or reprisals for opinions expressed.

How dare we ask You for anything while we have sufficient food, and there are no bombs destroying our homes, no guns killing our loved ones? But please, do make us mindful of the indescribable misery in which countless people, mostly little children, have to live in many of the countries beyond our own borders.

Fill us with compassion — more than compassion! With determination to act in behalf of those who have come to us from other states in order to escape poverty, and from other countries to escape tyranny.

In our dealings with each other, give us the wisdom to recognize that which unites us, before we dwell on that which divides us. Make us speak lovingly and constructively, while listening intently to what the least among us may have to say.

In the manner of Quakers, may we now be silent so that we can hear YOUR voice which is within each one of us ...

Thank You.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 3, 1983, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Williams.

CO-AUTHOR OF SENATE BILL 7

On motion of Senator Farabee and by unanimous consent, Senator Caperton will be shown as Co-author of S.B. 7.

CO-AUTHOR OF SENATE BILL 1

On motion of Senator Sarpalius and by unanimous consent, Senator Leedom will be shown as Co-author of S.B. 1.

CO-AUTHOR OF SENATE BILL 2

On motion of Senator Sarpalius and by unanimous consent, Senator Leedom will be shown as Co-author of S.B. 2.

CO-AUTHOR OF SENATE BILL 24

On motion of Senator Sarpalius and by unanimous consent, Senator Leedom will be shown as Co-author of S.B. 24.

CO-AUTHOR OF SENATE BILL 288

On motion of Senator Leedom and by unanimous consent, Senator Uribe will be shown as Co-author of S.B. 288.

REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 295 (Amended)

C.S.S.B. 151 (Read first time)

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 350 by Glasgow

Economic Development

Relating to the requirement that benefits under certain insurance coverage be payable in legal tender of the United States.

- S.B. 351** by Glasgow Economic Development
Relating to payment of premium requirements of certain group life insurance policies.
- S.B. 352** by Glasgow Economic Development
Relating to title searches for and applicability of certain insurance laws to title insurance.
- S.B. 353** by Glasgow Economic Development
Relating to the regulation of certain activities concerning fire extinguishers, fixed fire extinguisher systems, and fire detection and fire alarm devices and systems; providing a penalty.
- S.B. 354** by Whitmire Jurisprudence
Relating to amending Acts 1973, 63rd Legislature, page 883, Chapter 399, as amended, (Section 46.04, Penal Code) by adding government building to places where weapons are prohibited; providing a penalty; providing a severability clause; and declaring an emergency.
- S.B. 355** by Kothmann Education
Relating to the board of trustees of independent school districts located on military reservations.
- S.B. 357** by Sarpalius Education
Relating to annexation of county territory by certain junior college districts.
- S.B. 358** by Sarpalius Intergovernmental Relations
Relating to the issuance of certificates of indebtedness by general-law cities and towns to fund certain court judgments.
- S.B. 359** by Caperton Education
Relating to the limitation on the amount of funding for community education services.
- S.B. 360** by Caperton Natural Resources
Relating to the Texas Energy and Natural Resources Advisory Council serving as an energy resource center for school districts.
- S.B. 361** by Doggett State Affairs
Relating to reports by the comptroller on the loss of certain state revenue because of tax exemptions, discounts, exclusions, and special rates and special methods of reporting.
- S.B. 362** by Parker Education
Relating to the basic skills assessment instrument required in public schools.
- S.B. 363** by Parker Education
Relating to resignation by a professional employee of a school district.
- S.B. 364** by Parker Intergovernmental Relations
Relating to restrictions against manufactured housing.
- S.B. 365** by Parker State Affairs
Relating to a program for the relief of certain consumers of residential gas and electricity.
- S.B. 366** by Glasgow Natural Resources
Relating to the control of brucellosis and other animal diseases; providing penalties.
- S.B. 367** by Sharp State Affairs
Relating to local government compensation for required removal of outdoor advertising.

S.B. 368 by Sarpalius, Washington Health and Human Resources
Relating to the continuation of the Council for Social Work Certification.

S.B. 369 by Williams State Affairs
Relating to the purchase of land for a highway right-of-way.

S.B. 370 by Williams State Affairs
Relating to reports concerning veterans who may have been exposed to certain chemical defoilants or herbicides or other causative agents, and to provide assistance to those veterans; and declaring an emergency.

S.B. 371 by Brooks Health and Human Resources
Relating to medical care subsidies for certain adopted children.

S.B. 372 by Brooks State Affairs
Relating to the property tax exemption of charitable organizations.

S.B. 373 by Blake Finance
Relating to supplemental appropriations to the senate and state purchasing and general services commission required by fire damage to the Capitol.

S.J.R. 11 by Parker State Affairs
Proposing a constitutional amendment authorizing relief for certain consumers of residential gas and electricity from a portion of the 1/6th of one percent assessment imposed on gross receipts of retail public utilities as defined in Article I of the Public Utility Regulatory Act.

MESSAGE FROM STATE AUDITOR

The following Message from the State Auditor was read and was referred to the Subcommittee on Nominations:

THE STATE AUDITOR
Austin, Texas 78711

February 4, 1983

Mrs. Betty King
Secretary of the Senate
State Capitol
Austin, Texas 78711

Dear Mrs. King:

On behalf of the Legislative Audit Committee, it is my privilege to forward to you the accompanying State Auditor reappointment which is certified to the Senate for confirmation during the current session in keeping with Art. 4413a-12, Tex. Rev. Civ. Stat. Ann. (S.B. 27, 48th Legislature).

I shall be grateful if you will start it on the proper course, which I trust is to the Senate Subcommittee on Nominations, and also let me know if there comes to your attention any related action to which I should attend.

Sincerely yours,

/s/George W. McNiel
State Auditor

Austin, Texas
February 1, 1983

To the Senate of the Sixty-eighth Legislature,
Regular Session:

We ask the advice, consent and confirmation of the Senate with respect to the appointment by this Committee of GEORGE W. McNIEL of Austin, Travis County, to be State Auditor of Texas for the term expiring February 15, 1985.

Such appointment on this date is hereby certified under the provisions of S.B. 27 as passed by the Forty-eighth Legislature.

Respectfully submitted,

LEGISLATIVE AUDIT
COMMITTEE

Attest:

/s/W. P. Hobby
Lieutenant Governor

/s/Gib Lewis
Speaker of the House of
Representatives

/s/Grant Jones
Chairman of the Senate
Committee on Finance

/s/Bill Presnal
Chairman of the House
Committee on Appropriations

/s/Ray Farabee
Chairman of the Senate
Committee on State Affairs

/s/Stan Schlueter
Chairman of the House
Committee on Ways and Means

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
February 3, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE STATE BOARD OF INSURANCE:

For a term to expire January 31, 1989:

CAROLE KEETON McCLELLAN

2904 Bowman

Austin, Texas 78703

who is replacing Durwood Manford, Jr., of Austin, Travis County, Texas, whose term expired.

Respectfully submitted,

/s/Mark White
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
February 7, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR
SESSION:

In order that the State Treasury may be run in a business-like and efficient manner, which will generate additional revenues for the state, I, Mark White, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution, submit the following legislation for immediate consideration by the 68th Legislature, now convened:

S.B. 186 by Farabee — relating to a supplemental appropriation to the treasury department.

H.B. 372 by Smith — relating to a supplemental appropriation to the treasury department.

In order that the Board of Pardons and Paroles may lease space appropriate for its staff and duties and at the same time free space for the General Land Office, I, Mark White, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution, submit the following legislation for immediate consideration by the 68th Legislature, now convened:

S.B. 281 by Santiesteban — relating to a supplemental appropriation to the Board of Pardons and Paroles for certain expenses associated with the relocating to different office space.

In order that the General Land Office can eliminate the large existing backlog and delays in the Veterans Land Program, and also improve the cost effectiveness of the management of state lands, I, Mark White, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution, submit the following legislation for immediate consideration by the 68th Legislature, now convened:

S.B. 282 by Santiesteban — relating to a supplemental appropriation to the General Land Office.

Respectfully submitted,

/s/Mark White
Governor of Texas

SENATE RESOLUTION 121

Senator Doggett offered the following resolution:

WHEREAS, The beloved Capitol Building of Texas was severely threatened with destruction by a predawn fire on Sunday, February 6, 1983, that claimed one life, injured six others, and heavily damaged the East Wing of the building; and

WHEREAS, The significance of the Capitol in the hearts of Texans everywhere was mirrored in the distraught countenances of onlookers Sunday, from Governor, Lieutenant Governor, Senators, heads of state agencies, Mayor, Capitol employees to joggers, who watched as fire fighters fought the flames with spirits equaled in strength only by the love of Texans for the Capitol Building and all it symbolizes; and

WHEREAS, The instant response of more than 100 fire fighters from the Austin City Fire Department brought the blaze under control within three hours of the alarm; and

WHEREAS, The fire fighters are to be particularly commended for the thoughtful and alert manner in which they worked to protect and preserve the many

irreplaceable documents and paintings of Texas history and heroes that have graced the Texas Capitol but which were in danger of being lost forever on that day; and

WHEREAS, At all times the professionalism, competence, and courage of the fire fighters, under the direction of Acting Fire Chief Brady Pool, was evident as they battled the intense heat and smoke; and

WHEREAS, Six members of the valiant fire-fighting force were injured in the battle to save the Capitol: Fire Specialists Gregory Keys, Charlie Walls, and Joe Karnes; Captain Pat McNicholas, Lieutenant Charles Ehrhardt, and Fire Fighter Steve Parker; and

WHEREAS, State officials and Capitol employees on the scene during the day Sunday were struck time and time again by the unceasing courtesy and thoughtfulness displayed by the Austin fire fighters when during their fervent labor they repeatedly inquired about Senate employees and their well being; and

WHEREAS, The State of Texas owes a monumental debt of gratitude to those fearless men and women who valiantly struggled to overcome tremendous fire and smoke ravages in order to secure safety for this precious building and who by their actions kept the tragedy of Sunday, February 6, 1983, from being much worse than it was; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 68th Legislature, That the officers and fire fighters be commended for heroic service to their state and, be it further

RESOLVED, That copies of this Resolution be prepared for these brave fire fighters, the Austin Fire Department, and the City of Austin as a token of unexpressible gratitude and unmatched admiration for their professional and dedicated action in preserving the Texas Capitol.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor, Senators and Secretary of the Senate were added to the resolution as signers thereof.

The resolution was adopted.

SENATE RESOLUTION 122

Senator Doggett offered the following resolution:

WHEREAS, The fact that the Senate of Texas is able to function one day after a devastating fire is due to a myriad of people who toiled unceasingly on Sunday, February 6, 1983; and

WHEREAS, A group receiving little fanfare for their generous efforts were the State Purchasing and General Services Commission employees who aided the Austin Fire Department in sweeping out water from the first floor and removing debris from the damaged second and third floors of the Capitol Building during the predawn fire; and

WHEREAS, The Austin Fire Department magnanimously lauded the clean-up efforts of these dedicated state employees, stating they were an invaluable asset to the Fire Department; and

WHEREAS, The response of the Purchasing and General Services Commission was magnificent as their employees labored tirelessly amid the smoke-charred ruin and rubble; and

WHEREAS, The employees of the State Purchasing and General Services Commission are fine examples of those dedicated state employees who help our state government run smoothly and function efficiently; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 68th Legislature, hereby praise the excellent clean-up job of the State Purchasing and General Services

Commission employees and thank them for all assistance rendered; and, be it further

RESOLVED, That copies of this Resolution be prepared for these dedicated public employees as an expression of gratitude from the Texas Senate.

DOGGETT
BLAKE

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor, Senators and Secretary of the Senate were added to the resolution as signers thereof.

The resolution was adopted.

SENATE RESOLUTION 123

Senator Doggett offered the following resolution:

WHEREAS, For almost 100 years, the Capitol Building has been an enduring symbol of our precious heritage and a repository of our priceless historical treasures; and

WHEREAS, The entire State of Texas owes a most fervent thank you and debt of gratitude to the Capitol Security Officers whose magnificent valor and courage were exhibited during the devastating blaze in the east wing of the State Capitol; and

WHEREAS, Heedless of their own personal safety, Officers Wilfred V. Spinks, Arthur Patterson, James F. Mitchell, and Joel Quintanilla dashed into the blazing inferno to help save those trapped in the Lieutenant Governor's apartment including young Kate Hobby; and

WHEREAS, During this gallant rescue, Officer Quintanilla sustained severe burns requiring hospitalization; and

WHEREAS, Expecting no fame or glory for this awesome display of personal selflessness, these officers should be placed on any roll call of true Texas heroes; and

WHEREAS, These unsung heroes embody those principles and ideals of bravery, fortitude, and resoluteness of spirit which make our country great; and

WHEREAS, The families of Officers Spinks, Patterson, Mitchell, and Quintanilla can be proud of the meritorious actions of these dedicated men whose personal sacrifice and valor are to be commended; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 68th Legislature, hereby recognize and commend the Capitol Security Police, its director Robert S. Williams, and most especially Officers Wilfred V. Spinks, Arthur Patterson, James F. Mitchell, and Joel Quintanilla for their heroic and courageous rescue in the predawn hours of Sunday, February 6, 1983, which would not have been possible without the able assistance of Officers Virgil Smith and Alan Thompson; and, be it further

RESOLVED, That copies of this Resolution be prepared for Capitol Security Director Robert S. Williams and Officers Spinks, Patterson, Mitchell, Quintanilla, Smith, and Thompson as an expression of deepest gratitude and esteem from the Senate on behalf of all Texas citizens.

DOGGETT
BLAKE

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor, Senators and Secretary of the Senate were added to the resolution as signers thereof.

The resolution was adopted.

SENATE RESOLUTION 120

Senator Parker offered the following resolution:

S.R. 120, Joining the citizens of Port Arthur in paying tribute to their city on Port Arthur Day, Monday, February 7, 1983.

The resolution was read and was adopted.

SENATE BILL 342 REREFERRED

On motion of Senator Caperton and by unanimous consent, **S.B. 342** was withdrawn from the Committee on Economic Development and rereferred to the Committee on State Affairs.

STATEMENT BY THE PRESIDENT

The President stated he joined wholeheartedly the expressions of appreciation to the Austin Fire Department, Capitol Security officers and Senate personnel in their efforts following the fire in the Capitol.

He paid tribute to the concern of Governor Mark White and Austin's Mayor, The Honorable Carole McClellan.

GOVERNOR PRESENTED

The President then presented to the Members of the Senate His Excellency, Mark White, Governor of Texas.

Governor White addressed the Senate, expressing his concern for the life lost and the damage by the fire to the Capitol.

Governor White stated that he joined the President in expressing the hope that the Sesquicentennial Commission would make their celebration of the State's 150th birthday include a complete restoration of the Capitol.

COMMITTEE SUBSTITUTE SENATE BILL 83 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 83, Relating to appeal from a probation revocation proceeding.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 83 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 83** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Lyon, Whitmire.

The bill was read third time and was passed.

SENATE BILL 114 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary

rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 114, Relating to the operations and continuation of the Office of State-Federal Relations:

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend **S.B. 114** by striking lines 26-29 on page 1 of the printed bill and substituting the following in lieu thereof:

(b) A person who is required to register as a lobbyist under Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the office may not act as the general counsel of the office.

The amendment was read.

Question - Shall the amendment be adopted?

(Senator Brooks in Chair)

AT EASE

The Presiding Officer, Senator Brooks, at 11:57 o'clock a.m. announced the Senate would stand At Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

The Presiding Officer, Senator Brooks, at 12:00 o'clock noon called the Senate to order as In Legislative Session.

SENATE BILL 114 ON SECOND READING

The Senate resumed consideration of the pending business, same being **S.B. 114** on its second reading with an amendment by Senator Jones pending.

Question - Shall the amendment be adopted?

On motion of Senator Howard and by unanimous consent, further consideration of **S.B. 114** was withdrawn.

(President in the Chair)

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
February 7, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Mark White, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 68th Legislature, now convened:

S.B. 373 by Blake, relating to supplemental appropriations to the Senate and State Purchasing and General Services Commission required by fire damage to the Capitol.

Respectfully submitted,

/s/Mark White
Governor of Texas

MEMORIAL RESOLUTION

S.R. 116 - By Farabee: Memorial resolution for Fred Selber Marks.

CONGRATULATORY RESOLUTIONS

S.R. 118 - By Doggett: Extending congratulations to Loyd Edmonds.

S.R. 119 - By Doggett: Extending congratulations to Tim Williams.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:03 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

FIFTEENTH DAY

(Tuesday, February 8, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Glasgow, Lyon.

A quorum was announced present.

The Reverend Dubyear Harris, Metropolitan African Methodist Episcopal Church of Austin, offered the invocation as follows:

Our Father, we thank Thee for this privilege and we would that Thou wouldst bless the Presiding Officer and the Senators as they politicize this State, wouldst Thou keep them in Thy charge. In the name of Almighty God we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Caperton.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.